

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 02-2578]

Commission Releases Agenda for Public Forum on Rights-of-Way Issues

ACTION: Notice.

SUMMARY: This document announces the agenda for the public forum on rights-of-way issues to be held on October 16, 2002.

DATES: The public forum on rights-of-way management will be held on October 16, 2002 from 9:15 a.m. to 3:30 p.m.

ADDRESSES: The public forum on rights-of-way management will be held at the FCC's headquarters, 445 12th Street, SW., Washington, DC, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Kris Monteith or Gene Fullano, Consumer & Government Affairs Bureau, (202) 418-1400, kmonteit@fcc.gov or gfullano@fcc.gov.

SUPPLEMENTARY INFORMATION: The Public Forum is aimed at facilitating discussion among local authorities, state regulators, and the industry to develop consensus positions where possible. The forum will strive to, among other things, identify principles and practices that all parties believe can be a model for access to and management of rights-of-way with respect to the communications industry. The following agenda provides the names and affiliations of the invited panelists.

9:15 a.m.—10 a.m.

Welcome and Introduction

K. Dane Snowden, Chief, Consumer & Governmental Affairs Bureau, FCC Chairman and Commissioners

10 a.m.—11 a.m.

The Jurisdictional Question: Local vs. Federal Authority

Introduction—Background, historical perspective on rights-of-way issues, and status of court challenges. Panel discussion on the scope of Federal authority under Section 253 of the Communications Act.

Moderator: Jane Mago, General Counsel, Office of General Counsel

Panelists

Lisa Gelb, Deputy City Attorney, San Francisco, California

Chris Melcher, Corporate Counsel, Qwest Communications
Pam Beery, Partner, Beery & Elsner
Teresa Marrero, Manager, Federal Rights-of-Way Issues, AT&T

11 a.m.—11:15 a.m.

Break

11:15 a.m.—12:30 p.m.

Fair and Reasonable Compensation for Use of Rights-of-Way

Panel discussion on compensation issues including cost-based, percentage of revenue, and in-kind compensation approaches.

Moderator: Bill Maher, Chief, Wireline Competition Bureau

Panelists

Sandy Sakamoto, Assistant General Counsel and Assistant Attorney SBC/Pacific Telesis

Don Knight, Assistant City Attorney, Dallas, Texas

Kelsi Reeves, Vice President of Federal Government Relations Time Warner Telecom

Larry Doherty, Director, Site Development, West Region, Sprint PCS

Barry Orton, Professor of Telecommunications, University of Wisconsin—Madison

12:30 p.m.—2 p.m.

Lunch Break

2 p.m.—2:30 p.m.

Perspectives from the Administration
Nancy Victory, Assistant Secretary for Communications and Information, U.S. Department of Commerce

2:30 p.m.—3:30 p.m.

Looking Ahead: Policy Approaches to Rights-of-Way Management

Panel discussion on how best to accommodate the interests of multiple stakeholders.

Moderator: Ken Ferree, Chief, Media Bureau

Panelists

Ken Fellman, Mayor, Arvada, Colorado
Dorian Denburg, Chief Rights-of-Way Counsel, BellSouth Corporation

Bob Chernow, Chair, Regional Telecom Commission

Alexandra Wilson, Chief Policy Counsel, Cox Enterprises

Bob Nelson, Commissioner, Michigan Public Utility Commission

3:30 p.m.

Closing

K. Dane Snowden, Chief, Consumer & Governmental Affairs Bureau

The forum will be closed captioned and will be carried live on the Internet

through RealAudio from the FCC Web site at: <http://www.fcc.gov/realaudio/>. A transcript of the forum will be available 10 business days after the event on the FCC's Internet site at <http://www.fcc.gov/cgb/row.html>. Transcripts may also be obtained from the FCC's duplicating contractor, Qualex International, 445 12th St., SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. Audio and video tapes of the forum can be purchased from CACI Productions (formerly Infocus Media), 341 Victory Drive, Herndon, VA 20170, by calling CACI at (703) 834-1470 or by faxing CACI at (703) 834-0111. The meeting agenda will be provided in accessible formats. The meeting site is fully accessible to people using wheelchairs or other mobility aids. Copies of the transcript in other alternative formats (computer diskette, large print, and Braille) are available to persons with disabilities by contacting Brian Millin (202) 418-7426 voice, (202) 418-7365 TTY, or bmillin@fcc.gov. Send requests for reasonable accommodations to fcc504@fcc.gov, or contact Helen Chang, Section 504 Officer, 202-418-0424, 202-418-0432 TTY, or hchang@fcc.gov. Also include a way of contacting you if we need more information. Please submit your request at least 5 days in advance so that we can assure provision of the service you require. Participants and attendees are reminded of the Commission's ex parte rules and are responsible for complying with those rules to the extent their comments address the merits of pending proceedings.

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FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From October 10th Open Meeting

October 9, 2002.

The following item has been deleted from the list of agenda items scheduled for consideration at the October 10, 2002, Open Meeting and previously listed in the Commission's Notice of October 3, 2002. This item has been adopted by the Commission.

Item No.	Bureau	Subject
3	Enforcement	Title: SBC Communications, Inc., Apparent Liability for Forfeiture. Summary: The Commission will consider a Forfeiture Order concerning compliance with the shared transport condition of the SBC/Ameritech merger order.

Federal Communications Commission.

Marlene H. Dortch,

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[FR Doc. 02-26555 Filed 10-15-02; 10:44 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 01-92, DA 02-2436]

Intercarrier Compensation for Wireless Traffic

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: This document seeks comment on two petitions for declaratory ruling regarding the intercarrier compensation regime applicable to certain types of wireless traffic. Both petitions raise issues under consideration in CC Docket 01-92, *Developing a Unified Intercarrier Compensation Regime*.

DATES: Comments due October 18, 2002 and reply comments due November 1, 2002.

ADDRESSES: Federal Communications Commission, 445 12th St., SW., Washington, DC 20554. See Supplementary Information section for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: Steve Morris or Victoria Schlesinger, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1530, or Gregory Vadas, Policy Division, Wireless Telecommunications Bureau, (202) 418-1798.

SUPPLEMENTARY INFORMATION: On September 6, 2002, T-Mobile USA, Inc., Western Wireless Corporation, Nextel Communications, Inc., and Nextel Partners, Inc. (CMRS Petitioners) filed a petition for declaratory ruling in the above-referenced docket requesting that the Commission "reaffirm that wireless termination tariffs are not a proper mechanism for establishing reciprocal compensation arrangements between local exchange carriers (LECs) and commercial mobile radio service (CMRS) providers. According to CMRS Petitioners, a CMRS carrier typically will interconnect indirectly with a rural ILEC (*i.e.*, traffic will be exchanged

through an intermediate carrier.) CMRS Petitioners state that indirectly interconnecting carriers often exchange traffic pursuant to a bill-and-keep arrangement, rather than an interconnection agreement, at least for mobile-to-land traffic. CMRS Petitioners state that some rural LECs recently have filed state tariffs as a mechanism to collect reciprocal compensation for the termination of intra-MTA traffic originated by CMRS carriers. The CMRS Petitioners assert that compensation for such traffic should be paid only when the LEC and CMRS carrier have entered into an interconnection agreement under section 251 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. In the absence of such an agreement, they state that traffic should be exchanged on a bill-and-keep basis. The CMRS Petitioners request that the Commission direct ILECs to withdraw any wireless termination tariffs in existence today or, alternatively, to declare such tariffs unlawful, void and of no effect. The CMRS Petitioners state that the Commission has authority to issue the requested ruling pursuant to sections 332(c)(1) and 201 of the Communications Act.

On September 18, 2002, U.S. LEC Corp. filed a petition for declaratory ruling asking the Commission to "issue a ruling reaffirming that LECs are entitled to recover access charges from IXCs for the provision of access service on interexchange calls originating from, or terminating on, the networks of CMRS providers." U.S. LEC states that industry practice is for IXCs to pay access charges to LECs for this traffic, but that recently one IXC has declined to pay these charges. U.S. LEC states that a requirement that IXCs pay access charges to LECs for traffic to or from a CMRS carrier is fully supported by Commission precedent. U.S. LEC asserts that grant of the petition is necessary to eliminate controversy and avoid future challenges regarding this issue. The U.S. LEC petition was placed in the record in the above-referenced docket.

Both petitions raise issues under consideration in CC Docket 01-92, *Developing a Unified Intercarrier Compensation Regime*, 66 FR 28410, May 23, 2001.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before

October 18, 2002, and reply comments on or before November 1, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7:p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD